



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 31, 1996

Mr. Charlie F. McNabb  
First Assistant City Attorney  
The City of El Paso  
Two Civic Center Plaza  
El Paso, Texas 79901-1196

OR96-2002

Dear Mr. McNabb:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101470.

The City of El Paso (the "city") received a request for "copies of all financial agreements, addendums and amendments, including all contracts by and between the City of El Paso and the Public Service Board, and the Goodman Corporation and any affiliated company, and any contract that involves Ted Houghton." Although you have not raised any exceptions to required public disclosure, you assert two grounds as basis for not responding to the request for information. Specifically, you claim that the request is vague and overbroad, and that, to the extent that the city does understand the request for information, there is only one document, a resolution signed by Mr. Houghton, which is responsive to the request. We have considered the arguments you make and have reviewed the documents at issue.

We first address your assertion that the request is vague and overbroad. In your initial correspondence to this office, you stated that the "City declined to provide a list of all contracts 'involving' Ted Houghton because of over-broadness." You further stated that the request "is too broad to enable the city to determine which records are being sought." We note that numerous opinions of this office have addressed situations in which a governmental body has received either an "overbroad" written request for information or a written request for information that the governmental body is unable to identify. In Open Records Decision No. 561 (1990) at 8-9 this office concluded that:

We have stated that a governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). It is nevertheless proper for a governmental body to require a requestor to identify the records sought. Open Records Decision Nos. 304 (1982); 23 (1974). For example, where governmental bodies have been presented with

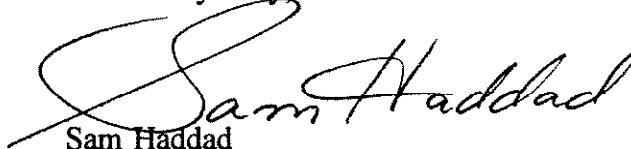
broad requests for information rather than specific records we have stated that the governmental body may advise the requestor of the types of information available so that he may properly narrow his request. Open Records Decision No. 31 (1974).

Gov't Code § 552.222(b) (governmental body may ask requestor to clarify request if request for information is unclear). Therefore, in response to the request at issue here, the city must make a *good-faith* effort to relate the request to information in the city's possession and must help the requestor to clarify her request by advising her of the types of information available. You have provided this office with a letter demonstrating that you have sought some clarification from the requestor. However, a request for records made pursuant to the Open Records Act may not be disregarded simply because a citizen does not specify the exact documents she desires. Open Records Decision No. 87 (1975).

We next address your assertion that the city "cannot locate any contract where Mr. Houghton is a party." Although you contend that no contracts were found, you have located and submitted to this office one document, which you assert is the only information responsive to the request. As you have raised no exceptions to required disclosure, we assume you will be releasing this information. In regard to information you contend does not exist, we note that chapter 552 does not apply to information that does not exist. *See Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio, 1978, writ diss'd); Open Records Decision No. 555 (1990). We assume that you will advise the requestor if certain information does not exist.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Sam Haddad", with a large, stylized initial "S" that loops around the first part of the name.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/ch

Ref.: ID# 101470

Enclosures: Submitted information

cc: Ms. Stephanie Townsend Allala  
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(w/o enclosures)